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Commission on Crime Prevention and Criminal Justice
Twenty-third session
Vienna, 12-16 May 2014
Agenda item 5
Integration and coordination of efforts by the United Nations Office on Drugs and Crime and Member States in the field of crime prevention and criminal justice

Belarus: revised draft resolution

Preventing and combating trafficking in human organs and trafficking in persons for the purpose of organ removal

The Commission on Crime Prevention and Criminal Justice,

Recalling General Assembly resolution 59/156 of 20 December 2004, entitled "Preventing, combating and punishing trafficking in human organs",

Recalling also the report of the Secretary-General on preventing, combating and punishing trafficking in human organs,[1]

Recalling further the United Nations Convention against Transnational Organized Crime[2] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[3]

Recognizing that the United Nations Global Plan of Action to Combat Trafficking in Persons,[4] inter alia, promotes universal ratification and implementation of the Organized Crime Convention and the Trafficking in Persons Protocol,

Taking note with appreciation of the World Health Organization guiding principles on human cell, tissue and organ transplantation, endorsed by the sixty-third World Health Assembly in its resolution 63.22 of 21 May 2010,

[1] E/CN.15/2006/10.
[2] United Nations, *Treaty Series*, vol. 2225, No. 39574.
[3] Ibid., vol. 2237, No. 39574.
[4] General Assembly resolution 64/293, annex.

Please recycle

Welcoming the joint study by the United Nations and the Council of Europe of 2009, entitled *Trafficking in Organs, Tissues and Cells and Trafficking in Human Beings for the Purpose of the Removal of Organs*,

Condemning the involvement of criminal groups and unethical medical personnel in the unauthorized removal or implantation of organs, and the illicit sale, brokering, purchase and other illicit transactions in respect of human organs, as well as trafficking in persons for the purpose of organ removal,

Concerned about the exploitation by criminal groups of human vulnerability, including poverty and destitution, for the purpose of trafficking in organs, and trafficking in persons for the purpose of organ removal,

Noting with concern that trafficking in human organs and trafficking in persons for the purpose of organ removal, wherever it occurs, constitutes a form of exploitation and offence against the human dignity of the victims,

1. *Urges* Member States to combat trafficking in organs, by measures that may include preventing and punishing the unauthorized removal or implantation of organs, and the illicit sale, brokering, purchase and other illicit transactions in respect of human organs, as well as trafficking in persons for the purpose of organ removal;

2. *Encourages* Member States to consider taking the following measures in accordance with fundamental principles of their domestic legal systems and national legislation:

(a) Review, develop or amend, as appropriate, legislative measures to combat illicit trafficking of human organs, which may include punishment of the illicit sale, brokering, purchase and other illicit transactions in respect of human organs;

(b) Strengthen regulatory oversight of relevant medical facilities and medical personnel thereof;

(c) Provide training for law enforcement, border control officials and medical personnel to identify potential cases of organ trafficking and trafficking in persons for the purpose of organ removal;

(d) Conduct awareness campaigns targeted at potential donors to make them informed of their rights and the heightened health and safety risks associated with organ removal in exchange for material benefits;

3. *Also encourages* Member States to exchange experience in and information on preventing, combating and punishing trafficking in organs and trafficking in persons for the purpose of organ removal;

4. *Welcomes* the efforts made at the regional level to combat trafficking in organs and trafficking in persons for the purpose of organ removal;

5. *Requests* the United Nations Office on Drugs and Crime to conduct a study on trafficking in human organs based on the analysis of information provided by Member States for consideration by the Commission at its twenty-fifth session and, in that regard, invites the Office to engage in a dialogue with relevant international intergovernmental organizations, where appropriate, in close consultation with Member States to enable it to collect data and conduct an analysis

of instances of organ trafficking and prosecutions of trafficking in organs, as well as collect examples of applicable legislation, while bearing in mind that the data on trafficking in persons for the purpose of organ removal is being gathered for the Global Report on Trafficking in Persons, in accordance with Economic and Social Council resolution 2013/41, and encourages Member States to provide, upon request, relevant information to the United Nations Office on Drugs and Crime;

6. *Invites* Member States and other donors to provide extrabudgetary resources for this purpose, in accordance with the rules and procedures of the United Nations.

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Commission on Crime Prevention and Criminal Justice
Twenty-third session
Vienna, 12-16 May 2014
Agenda item 6
Use and application of United Nations standards and norms in crime prevention and criminal justice

Argentina, Ecuador, Italy, Nicaragua, Norway, Poland, South Africa, Spain, Thailand and Uruguay: revised draft resolution

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolution for adoption by the General Assembly:

Standard Minimum Rules for the Treatment of Prisoners

The General Assembly,

Guided by the principal purposes of the United Nations, as set out in the preamble to the Charter of the United Nations and the Universal Declaration of Human Rights,[1] and inspired by the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, without distinction of any kind, and in the equal rights of men and women and of nations large and small, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained and to promote social progress and better standards of life in larger freedom,

Bearing in mind the long-standing concern of the United Nations for the humanization of criminal justice and the protection of human rights,

Aware that the Standard Minimum Rules for the Treatment of Prisoners[2] remain the universally acknowledged minimum standards for the detention of prisoners and that they have been of value and influence in the development of correctional laws, policies and practices since their adoption by the First United

[1] General Assembly resolution 217 A (III).

[2] *Human Rights: A Compilation of International Instruments*, Volume I (First Part), *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

Please recycle

Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1955,

Mindful that in the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,[3] Member States recognized that an effective, fair, accountable and humane criminal justice system was based on the commitment to uphold the protection of human rights in the administration of justice and the prevention and control of crime and acknowledged the value and impact of the United Nations standards and norms in designing and implementing national crime prevention and criminal justice policies, laws, procedures and programmes,

Taking into account the progressive development of international standards pertaining to the treatment of prisoners since 1955, including in international instruments such as the International Covenant on Civil and Political Rights,[4] the International Covenant on Economic, Social and Cultural Rights[5] and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[6] and the Optional Protocol thereto,[7] and other relevant United Nations standards and norms in crime prevention and criminal justice related to the treatment of prisoners, namely, the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners,[8] the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,[9] the Code of Conduct for Law Enforcement Officials,[10] the Basic Principles for the Treatment of Prisoners,[11] the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,[12] the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules),[13] the United Nations Rules for the Protection of Juveniles Deprived of their Liberty,[14] the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines),[15] the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),[16] the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)[17] and the

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[3] General Assembly resolution 65/230, annex.
[4] General Assembly resolution 2200 A (XXI), annex.
[5] Ibid.
[6] United Nations, *Treaty Series*, vol. 1465, No. 24841.
[7] Ibid., vol. 2375, No. 24841.
[8] Economic and Social Council resolution 1984/47, annex.
[9] General Assembly resolution 43/173, annex.
[10] General Assembly resolution 34/169, annex.
[11] General Assembly resolution 45/111, annex.
[12] *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.2, annex.
[13] General Assembly resolution 40/33, annex.
[14] General Assembly resolution 45/113, annex.
[15] General Assembly resolution 45/112, annex.
[16] General Assembly resolution 45/110, annex.
[17] General Assembly resolution 65/229, annex.

United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems,[18]

Mindful of its resolution 67/166 of 20 December 2012 on human rights in the administration of justice, in which it recognized the importance of the principle that persons deprived of their liberty shall retain their non-derogable human rights and all other human rights and fundamental freedoms, except for those lawful limitations that are demonstrably necessitated by the fact of incarceration, and in which the Assembly took note of general comment No. 21 on the humane treatment of prisoners deprived of their liberty, adopted by the Human Rights Committee,[19] as well as Human Rights Council resolution 24/12 of 26 September 2013, in which the Council noted the work of the open-ended intergovernmental Expert Group on the Standard Minimum Rules for the Treatment of Prisoners, reiterating that any changes should not lower any existing standards but should reflect recent advances in correctional science and best practices,

Recalling its resolution 65/230 of 21 December 2010, in which it requested the Commission on Crime Prevention and Criminal Justice to establish an open-ended intergovernmental expert group to exchange information on best practices, as well as national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they reflect recent advances in correctional science and best practices, with a view to making recommendations to the Commission on possible next steps, and requested the Expert Group to report to the Commission on progress in its work,

Recalling also its resolutions 67/188 of 20 December 2012 and 68/190 of 18 December 2013, entitled "Standard Minimum Rules for the Treatment of Prisoners", as well as its resolution 68/156 of 18 December 2013, entitled "Torture and other cruel, inhuman or degrading treatment or punishment", in particular its operative paragraph 38,

Recalling further that in its resolution 67/184 of 20 December 2012 on follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, the General Assembly decided that one of the workshops to be held within the framework of the Thirteenth Congress would be devoted to the topic "Role of the United Nations standards and norms in crime prevention and criminal justice in support of effective, fair, humane and accountable criminal justice systems: experiences and lessons learned in meeting the unique needs of women and children, in particular the treatment and social reintegration of offenders",

1. *Notes with appreciation* the further progress made during the third meeting of the Expert Group on the Standard Minimum Rules for the Treatment of Prisoners, held in Vienna from 25 to 28 March 2014;[20]

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[18] General Assembly resolution 67/187, annex, including principles on persons who are arrested, detained, suspected of or charged with a criminal offence punishable by a term of imprisonment or the death penalty.

[19] *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 40* (A/47/40), annex VI.B.

[20] See E/CN.15/2014/19 and Corr.1.

2. *Expresses its gratitude* to the Government of Brazil for its financial support for the third meeting of the Expert Group;

3. *Acknowledges* the work done by the Expert Group at its previous meetings, held in Vienna from 31 January to 2 February 2012 and Buenos Aires from 11 to 13 December 2012;[21]

4. *Also acknowledges* the work accomplished by the Secretariat in preparing the relevant documentation, in particular the working paper for the third meeting,[22] as well as the determined progress achieved at the meetings of the Expert Group in reviewing the Standard Minimum Rules for the Treatment of Prisoners;[23]

5. *Expresses appreciation* for the important submissions and suggestions of Member States pursuant to the request to exchange information on best practices and on the revision of the existing Standard Minimum Rules, as reflected in the working paper submitted to the Expert Group at its third meeting;

6. *Reiterates* that any changes to the Standard Minimum Rules should not lower any of the existing standards, but should reflect the recent advances in correctional science and good practices so as to promote safety, security and humane conditions for prisoners;

7. *Recognizes* the need for the Expert Group to continue to take into account the social, legal and cultural specificities, as well as human rights obligations, of Member States;

8. *Notes* that the revision process should maintain the existing scope of application of the Standard Minimum Rules for the Treatment of Prisoners;

9. *Acknowledges with appreciation* the important contributions received from the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment,[24] the Office of the United Nations High Commissioner for Human Rights and the Committee on the Rights of Persons with Disabilities, as well as other submissions received for consideration from a number of intergovernmental and non-governmental organizations,[25] and invites them, in this regard, to continue to be actively involved in the Expert Group process, in accordance with the rules of procedure of the functional commissions of the Economic and Social Council;

10. *Acknowledges* that the revision of the Standard Minimum Rules is a time-intensive exercise of crucial importance, emphasizes that efforts should be made to finalize the revision process, building on the recommendations made in the three meetings of the Expert Group and the submissions of Member States, for consideration at the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice to be held in Doha in 2015, and also emphasizes that the concern for a speedy process should not compromise the quality of the outcome;

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[21] See E/CN.15/2012/18 and E/CN.15/2013/23.

[22] UNODC/CCPCJ/EG.6/2014/CRP.1.

[23] *Human Rights: A Compilation of International Instruments*, Volume I (First Part), *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

[24] A/68/295.

[25] Available at www.unodc.org/unodc/en/justice-and-prison-reform/expert-group-meetings6.html.

11. *Decides* to extend the mandate of the open-ended intergovernmental Expert Group, authorizing it to continue its work, with the aim of reaching a consensus, and to present a report to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, as part of the workshop on the role of the United Nations standards and norms in crime prevention and criminal justice in support of effective, fair, humane and accountable criminal justice systems, and to the Commission on Crime Prevention and Criminal Justice at its twenty-fourth session for consideration, and requests the Secretary-General to ensure that the required services and support are provided;

12. *Invites* the bureau of the third meeting of the Expert Group to continue to be involved in the revision of the rules by preparing, with the assistance of the Secretariat, a revised consolidated working paper, in all official languages of the United Nations, consisting of the draft revised rules, which should reflect the progress achieved so far, including the recommendations made by the Expert Group at its meetings in Buenos Aires[26] and Vienna,[27] taking also into account proposals for revision put forward by Member States in relation to the areas and rules identified by the General Assembly in operative paragraph 6 of its resolution 67/188 for submission to and consideration by the next meeting of the Expert Group;

13. *Expresses its gratitude* to the Government of [...] for its readiness to host the next meeting of the Expert Group, and welcomes any support, in particular financial support, that other interested countries and organizations may wish to provide;

14. *Invites* Member States to actively participate in the next meeting of the Expert Group and to include in their delegations persons with a variety of expertise from relevant disciplines;

15. *Encourages* Member States to improve conditions in detention, consistent with the principles of the Standard Minimum Rules and all other relevant and applicable international standards and norms, to continue exchanging good practices, such as those regarding conflict resolution in detention facilities, including in the area of technical assistance, to identify challenges faced in implementing the Rules and share their experiences in dealing with those challenges, and to provide relevant information in that regard to their experts participating in the Expert Group;

16. *Also encourages* Member States to promote the implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),[28] as well as the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;[29]

17. *Recommends* that Member States continue to endeavour to reduce overcrowding and, where appropriate, resort to non-custodial measures as alternatives to pretrial detention, to promote increased access to justice and legal defence mechanisms, reinforce alternatives to imprisonment and support

[26] See E/CN.15/2013/23.

[27] See E/CN.15/2012/18 and E/CN.15/2014/19 and Corr.1.

[28] General Assembly resolution 65/229, annex.

[29] General Assembly resolution 45/113, annex.

rehabilitation and reintegration programmes, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);[30]

18. *Reiterates its request* to the Secretary-General to continue to promote the use and application of the United Nations standards and norms in crime prevention and criminal justice by, inter alia, providing advisory services and technical assistance to Member States on request, including assistance in crime prevention, criminal justice and law reform, and in the organization of training for law enforcement, crime prevention and criminal justice personnel and support in the administration and management of penal and penitentiary systems, thus contributing to the upgrading of their efficiency and capabilities;

19. *Reaffirms* the important role of the United Nations crime prevention and criminal justice programme network and intergovernmental and non-governmental organizations in consultative status with the Economic and Social Council in contributing to the dissemination, promotion and practical application of the Standard Minimum Rules for the Treatment of Prisoners, in accordance with the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners;[31]

20. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes outlined in the present resolution, in accordance with the rules and procedures of the United Nations.

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[30] General Assembly resolution 45/110, annex.

[31] Economic and Social Council resolution 1984/47, annex.